

DEPARTMENT OF THE ARMY REGIONAL GENRAL PERMIT 6

PERMITTEE: **Southern Sonoma County Resource Conservation District**

PERMIT NO: **249121N**

ISSUING OFFICE: **San Francisco District, U.S. Army Corps of Engineers**

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate District or Division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below:

PROJECT DESCRIPTION: This permit authorizes participating Southern Sonoma County Resource Conservation District (SSCRCD) members to dredge up to 4 cubic yards of material per linear foot of levee, not to exceed 10,000 cubic yards per property owner, per year, from the channels and/or wetlands adjacent to the existing levees on their property for the purpose of maintaining existing levees. These properties are shown on the attached drawings entitled "Vicinity Map USACE File No. 24912N", dated June 28, 2000, sheets 1 to 5 of 5.

PROJECT LOCATION: SSCRCD member properties in the San Antonio Creek, Petaluma River, and Sonoma Creek drainage basins, which include San Antonio Creek, Petaluma River, San Pablo Bay, Sonoma Creek, Tolay Creek, Napa Slough, Second Napa Slough, Third Napa Slough, Hudeman Slough, Steamboat Slough, Schell Slough, Railroad Slough, and Rainbow Slough, Sonoma and Marin Counties, California.

PERMIT CONDITIONS:

GENERAL CONDITIONS:

1. The time limit for completing the work authorized ends on **July 31, 2012**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions

specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions. **Under File No. 2148.04, the Regional Water Quality Control Board, San Francisco Bay Region, issued a waiver of water quality certification on August 13, 2000. This waiver remains valid and continues in effect.**

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

7. You understand and agree that, if future operations by the United States require the removal, relocation or other alteration of the structure or work authorized herein, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, you will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

SPECIAL CONDITIONS:

1. **A vegetated berm at least 10 feet wide shall be maintained, where possible, adjacent to the water side of the levee to prevent extension of the levee toe into adjacent wetlands.**

2. **To avoid impacts to nesting California clapper rails, no dredging shall occur between February 1 and August 31, unless surveys by a qualified biologist indicate that clapper rails are not nesting within 500 feet of the project area.**

3. **No dredging authorized by this permit may substantially disrupt the movement of those species of aquatic life indigenous to the water body, including those species which normally migrate through the area.**

4. **To avoid increases in turbidity, dredging may be conducted as needed to maintain levees where marsh plain separates the borrow area from the main channel and is sufficient to prevent the release of sediment into the channel.**

5. **Along the mainstem of the Petaluma River, San Antonio Creek, and Sonoma Creek, where the width of the marsh plain is insufficient to prevent the release of sediment to the channel, or where dredging must occur in the channel, dredging shall be limited to the period between June 1 and November 30.**

6. **Along the shoreline of Sonoma Creek, Tubbs Island, and San Pablo Bay from Highway 37 downstream to the mouth of Sonoma Creek, and extending to the southwestern extent of the levees along the shoreline of San Pablo Bay, where the width of the marsh plain is insufficient to prevent the release of sediment to Sonoma Creek or San Pablo Bay, material shall be borrowed from the inboard side of the levee or imported to the site. Dredging outboard of the levee shall be conducted only when the tide is low enough that the substrate to be dredged is exposed.**

7. **No discharge of dredged material may consist of unsuitable material (e.g. trash, debris, etc.) and material discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).**

8. **This Corps permit does not authorize you to take an endangered species. In order to legally take a listed species, you must have a separate authorization under the Endangered Species Act (ESA) (e.g., an ESA Section 10 permit or a Biological Opinion (BO) under ESA Section 7 with "incidental take" provisions with which you must comply). The enclosed U.S. Fish and Wildlife Service (FWS) BO dated September 9, 1994, and subsequent amendments dated January 12, 1995 and January 1, 2000, respectively, contain mandatory terms and conditions to implement the reasonable and prudent measures that are associated with "incidental take" that is also specified in**

the BO. Your authorization under this Corps permit is conditional upon your compliance with all of the mandatory terms and conditions associated with incidental take authorized by the attached BO, whose terms and conditions are incorporated by reference in this permit. Failure to comply with the terms and conditions associated with incidental take of the BO, where a take of the listed species occurs, would constitute an unauthorized take and it would also constitute non-compliance with this Corps permit. FWS is the appropriate authority to determine compliance with the terms and conditions of the BO and with the ESA.

FURTHER INFORMATION:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

☒ (X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403).

☐ () Section 404 of the Clean Water Act (33 U.S.C. § 1344).

☐ () Section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. § 1413).
2. Limits of this authorization:
 - a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.
 - b. This permit does not grant any property rights or exclusive privileges.
 - c. This permit does not authorize any injury to the property or rights of others.
 - d. This permit does not authorize interference with any existing or proposed Federal project.
3. Limits of Federal Liability: In issuing this permit, the Federal Government does not assume any liability for the following:
 - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
 - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
 - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
 - d. Design or construction deficiencies associated with the permitted work.
 - e. Damage claims associated with any future modification, suspension, or revocation of this permit.
4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
5. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
 - a. You fail to comply with the terms and conditions of this permit.

- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate. (See Item 4 above.)
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 C.F.R. Section 325.7 or enforcement procedures such as those contained in 33 C.F.R. Sections 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 C.F.R. Section 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions: General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

(PERMITTEE)

Sonoma County Resource Conservation District

(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

(DISTRICT ENGINEER)

Craig W. Kiley

Lieutenant Colonel, U.S. Army

Commanding

(DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE)

(DATE)